



Paper No. 7

ORUM & ROTH  
53 WEST JACKSON BOULEVARD  
CHICAGO IL 60604-3606

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In re Application of  
Wrasman, et al.  
Application No. 09/836,672  
Filed: April 16, 2001  
Attorney Docket No. 5845

: **OFFICE OF PETITIONS**  
:  
: **DECISION ON PETITION**  
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This is a decision on the "Petition for Entitlement to Filing Date", filed August 22, 2001<sup>1</sup>, which is being treated as a Petition Under 37 CFR 1.53(e) to accord the above-identified application a filing date of April 16, 2001.

Application papers in the above-identified application were filed on April 16, 2001. However, on June 12, 2001, the Initial Patent Examination Division mailed a "Notice of Incomplete Nonprovisional Application," notifying applicant that the application papers had not been accorded a filing date because the application was deposited without drawings.

Applicant asserts that the application was in fact filed with drawings, and that no further deposit of drawings is necessary to be entitled to a filing date. In support thereof, applicant submitted a postcard receipt identifying this application, itemizing "Drawings - 2 Sheets" as enclosed, bearing a United States Patent and Trademark Office date-stamp of April 16, 2001, and lacking any notation of non-receipt of any item listed.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, the petition is **GRANTED**.

Given the basis for granting the petition, the petition fee has been refunded to Deposit Account No. 04-2219.

The application is being forwarded to the Office of Initial Patent Examination (OIPE) for further processing with a filing date of April 16, 2001, using the application papers received in the Office on that date and 2 sheets of drawings resupplied on petition filed August 22, 2001. Applicant will receive appropriate notifications regarding the fees owed, if any, and other information in due course from OIPE. Applicant is reminded that a Notice to File Missing Parts was mailed on August 21, 2001.

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<sup>1</sup> Supplemented by a "re-petition" filed September 21, 2001. In his August 22nd petition, petitioner mistakenly submitted the postcard receipt from another application.

Telephone inquiries related to this decision should be directed to Petitions Attorney Cliff Congo at 703-305-0272.

A handwritten signature in cursive script, appearing to read "Beverly M. Flanagan".

Beverly M. Flanagan  
Supervisory Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy